

EXHIBIT 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE SUSAN ILLSTON, JUDGE

IN RE: TFT-LCD (FLAT-PANEL))
ANTITRUST LITIGATION.) NO. C 07-MDL-1827 SI

San Francisco, California
Thursday
August 1, 2013
8:37 a.m.

Individual Cases:
CASE NO. 10-CV-4572
CASE NO. 12-CV-4114

TRANSCRIPT OF PROCEEDINGS

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(Appearances continued, next page)

FRITZ - CROSS EXAMINATION / CURRAN

1 **Q** And this email is dated July 7, correct?

2 **A** Yes.

3 **Q** So this is talking about Circuit City's pricing in this
4 Dadeland store through the end of July. Correct?

5 **A** It actually says their "offer." Doesn't say their
6 "pricing."

7 **Q** Okay. Running with their offer, through the end of July?

8 **A** That's what it says.

9 **Q** And, what do you understand "offer" to mean in this
10 context?

11 **A** I don't recall this specific instance, but "offer" could
12 be a promotion. It could be a number of things.

13 **Q** Okay. And then, continuing (As read):

14 "Also while talking to one of the managers he informed me that
15 their corporate office is telling the regional, district and
16 store management teams that Best Buy is starting an all out
17 pricing war to put CC out of business and that they will be
18 launching pre-emptive strikes in the form of aggressive
19 financing, promotions and floor pricing and that some stores
20 have been told to kick out any Best Buy employed shoppers if
21 they think they are writing or even recording prices. This
22 came from a manager that has known me for 8 years."

23 Do you see that, ma'am?

24 **A** I do.

25 **Q** So Mr. Green, here, is reporting on a discussion he had

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1 with one of the managers at the Dadeland Circuit City.

2 Correct?

3 **A** It appears that way, yes.

4 **Q** In your judgment, is this, the conduct reflected in this
5 email, consistent with Best Buy's ethics policy, ethics code?

6 **MR. SILBERFELD:** Objection, Your Honor. Vague as to
7 which conduct.

8 **THE COURT:** Can you specify?

9 **MR. CURRAN:** Yes.

10 **BY MR. CURRAN:**

11 **Q** Ms. Fritz, the second sentence of the email has a
12 reference to "...while talking to one of the managers he
13 informed me..." and then it continues on.

14 In your judgment, is it consistent with Best Buy's code of
15 ethics for Mr. Green to have been talking with one of the
16 managers at the Dadeland Circuit City about the subjects
17 reflected in this email?

18 **A** I would say it was not common practice, no.

19 **Q** That -- my question was, was it consistent with Best Buy's
20 code of ethics?

21 **A** I would say no.

22 **Q** Why not?

23 **A** Because part of our code of ethics is to make sure that
24 we're looking at information in terms of the competitive
25 context, and not engaging in conversations.

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1 And then it goes on to give details about the changes in
2 Circuit City's price match policy. Correct?

3 **A** Correct.

4 **Q** And this email is dated November 18, 2006. Correct?

5 **A** It appears that way, yes.

6 **Q** Okay. So that, that email indicates a discussion or -- or
7 information being provided from an acquaintance of Mr. Jacobsen
8 at Circuit City. Correct?

9 **A** I don't know. I don't know who Mr. Jacobsen is, or who
10 Mr. Rogers is.

11 **Q** Farther up the email chain there is the -- second-to-last
12 in time, there is an email from Mike Ray. Do you see that one?

13 Dated November 19, 2006, at 3:28 p.m.?

14 **A** I do.

15 **Q** Now, Mike Ray, you know; we've talked about him already.
16 He was an employee, senior employee at Best Buy. Correct?

17 **A** Correct.

18 **Q** And, he writes (As read):

19 "Glen.. On it.. We're going to have the teams ping their
20 contacts to validate this change is hitting all markets."

21 Do you see that?

22 **A** Yes.

23 **Q** And, by that email, Mr. Ray was stating that the team at
24 Best Buy or the teams at Best Buy would be pinging their
25 contacts at Circuit City. Correct?